16

D.B. CIVIL SPECIAL APPEAL NO.34/2006.
[SHANKER LAL BHARTI VS. SBBJ & ORS.]

DATED : 08.02.2007

HON'BLE MR. RAJESH BALIA, J.
HON'BLE MR. CHATRA RAM JAT, J.

Mr.Rajeev Purohit for the petitioner.
Mr.M.S.Singhvi for the respondent.

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S.B.Civil Writ Petition No.4846/2005 has been preferred by appellant at an intermediatory stage of the Departmental Inquiry which was being held against him by the respondent.

Vide order dated 29.07.2005 [Annexure 1] the Inquiry Officer has permitted the Departmental Representative to place on record the photo stat copies of certain documents which were the part of original record of the respondents for the purpose of continuation of the inquiry and has rejected the objection raised by the petitioner-appellant against the admission of the photostat copies of document in evidence and refused to stay the further proceedings.

Learned Single Judge has dismissed the writ petition vide judgment under order by holding that the proceedings of inquiry should not be interfered with at an interlocutory stage.

During the pendency of this appeal, it is submitted by the learned counsel for the respondent Bank, that in the mean time the Departmental Inquiry has concluded and final orders have been passed on 07.06.2006. The photocopy of which was also placed before us for perusal.

In view of the aforesaid, it is apparent that since interlocutory stage has passed, and inquiry proceedings have been cocluded, this lis has become infructuous. However, it is without prejudice to the appellant's right to prosecute his remedy against the final order including on the grounds raised in this petition.

Accordingly, the appeal and the writ petition are dismissed as having become infructuous. No observations made in the judgment under appeal shall affect prejudicially the right of the petitioner/appellant to pursue his against the final order.

[CHATRA RAM JAT], J. **[RAJESH BALIA], J.**

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